

**PARTNERS**

Laura M. Halm  
Jean L. Cipriani  
Melanie S. Appleby  
Robin La Bue  
Michael S. Nagurka  
Andrea E. Wyatt



Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.

ATTORNEYS AT LAW

**ASSOCIATES**

Danielle Rosiejka  
Matthew J. Donohue  
Brandon A. Klimakowski

**OF COUNSEL**

Charles H. Mandell  
Brian C. Bartlett  
Joseph C. Falk

April 15, 2024

**VIA ECF**

The Honorable Douglas E. Arpert, U.S.M.J.  
United States District Court, Trenton  
402 E. State Street  
Trenton, New Jersey 08608

**Re: Michael Kaplon v. Harvey Cedars Police Department, et al.  
Civil Action No. 3:23-cv-01611-ZNQ-DEA**

Dear Judge Arpert:

The undersigned represents the Township of Long Beach in the above-referenced matter. In accordance with Your Honor's January 16, 2024 text order [Doc No. 23], please accept this Joint Letter from all parties. Upon information and belief, the parties were under the impression that Your Honor had retired in February 2024. However, this letter is addressed to Judge Arpert due to this matter not being reassigned as of the date of this letter.

As noted by Mr. Ferreira in his joint letter of January 9, 2024 [Doc No. 22], paper discovery is still pending. Township of Long Beach Defendants, including Lt. Bernhard have provided full and complete answers to discovery. This office has received the lion share of medical records for both Michael and Sandra-Rosenthal Kaplon. We are still awaiting records from two providers. More specifically, records from Dr. Kanumury for Sandra-Rosenthal Kaplon and Delray Medical Center for Michael Kaplon, respectively.

Counsel for the Harvey Cedars Defendants has been unable to provide discovery and had a family emergency arise that did not allow completion of those answers to date. The plaintiff is sympathetic to counsel but believes that too much time has passed without any information from the Harvey Cedar Defendants. By way of background, a joint discovery plan was filed on July 25, 2023, [Doc No. 9] requiring factual discovery to be completed on or before April 15, 2024. An initial case management conference was conducted on August 1, 2023. Initial disclosures were exchanged. Plaintiff propounded discovery demands on August 14, 2023 to all defendants. On October 18, 2023, a telephone status conference was held, and a subsequent supplemental scheduling order was entered extending fact discovery until March 1, 2024. [Doc. No. 17]. A joint status letter was filed on January 9, 2024 along with a subsequent text order requiring the parties to prepare and file this joint status letter. [Doc. No. 23]. The parties are unable to conduct depositions without the Harvey Cedars responses to discovery demands. The Plaintiff's position is that a motion to strike the Answer of the Harvey Cedars Defendants may be appropriate for



Rothstein, Mandell, Strohm,  
Halm & Cipriani, P.A.

ATTORNEYS AT LAW

Page 2  
April 15, 2024

failure to respond to discovery demands.

Unfortunately, no depositions have taken place as of the date of this letter. We have not scheduled the deposition of either plaintiff due to the outstanding medical records, and the failure to respond to interrogatories. Both Mr. Ferreira and this office have had a good working relationship throughout this litigation and will work diligently to complete all depositions as soon as two events are completed. In no particular order, discovery from the Harvey Cedars Defendants and the final two medical records for both plaintiffs.

Steve Secare, Esq. entered a substitution of attorney for the representation of Lt. Bernhard [Doc No, 24]. The undersigned is still representing the remainder of the Long Beach Township Defendants [Doc No. 5].

Defendant, Melody Bernhard, settled with both plaintiffs and has been dismissed from this litigation.

It is respectfully requested that the Court set up a status conference to discuss ongoing discovery issues. This conference will allow the parties to meet and confer with the help of Your Honor to come up with realistic timelines to complete fact discovery.

Thank you.

Respectfully submitted,

/s/ Michael S. Nagurka

MICHAEL S. NAGURKA  
For the Firm  
[mnagurka@rmshc.law](mailto:mnagurka@rmshc.law)

cc: All counsel via ECF